**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928**

**WP(C).No. 8105 of 2005(M)**
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**PETITIONER:**
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**1. SREEJITH M.G., GIRIJA BHAVAN,**
**DEEPA NAGAR, ALANTHARA, VANJARAMOODU P.O.,**
**TRIVANDRUM-695 607.**

**2. VINOD KUMAR V.,**
**VENU NILAYAM, KURUVALLYKONAM,**
**VENJARAMOODU P.O., TRIVADNRUM-695 607.**

**3. GIRISH KUMAR P., PICHIMANGALAM,**
**KATTUMPURAM P.O., KALLARA, TRIVANDRUM- 695 608.**

**4. KAVITHA G.S., DEVIKRUPA,**
**PRAKKADU, AIRAKUZHI P.O., CHITHARA,**
**KOLLAM-691 559.**

**5. AJITH L.S., ANITHA BHAVAN,**
**ERULOOR, MITHRAMALA P.O.,**
**THIRUVANANTHAPURAM-695 610.**

**6. SUKUMARAN THAYAMBATH,**
**THAYAMBATH HOUSE, MANDOTH P.O.,**
**PAYYANUR (VIA), KANNUR-670 307.**

**7. RADHIKA T.M.,**
**VADAKKEPPATIVATTATH HOUSE, P.O.MUYIPPOTHI,**
**MEPPAYUR (VIA), KOZHIKODE DISTRICT-673 524.**

**BY ADV. SRI.K.RAMAKUMAR**

**RESPONDENTS:**
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**1. STATE OF KERALA, REP. BY THE SECRETARY**
**TO GOVERNEMNT, DEPARTMENT OF HIGHER SECONDARY**
**EDUCATION, GOVERNMENT OF KERALA,**
**THIRUVANANTHAPURAM.**

**2. THE DIRECTOR OF HIGHER SECONDARY**
**EDUCATION, HOUSING BOARD BUILDINGS, SHANTHI NAGAR,**
**THIRUVANANTHAPURAM.**

**3. THE KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.**

**4. SRI.GEORGE M.S., GOVERNMENT H.S.S.,
MANANTHAVADI, WAYANAD DISTRICT.**

**5. KOMALAM K., GOVERNMENT H.S.S.,
BEYPORE, KOZHIKODE.**

**BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
G.P.SMT.M.R.SREELATHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/01/2007 ALONG WITH W.P.C.NOS. 17246/05, 18557/05 & 34900/05, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX IN W.P.C.NO.8105/05**

**PETITIONER'S EXHIBITS**

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|---|---|
| **EXT.P1** | **TRUE COPY OF NOTIFICATION PUBLISHED IN KERALAGAZETTE DTD. 18-12-2001** |
| **EXT.P2** | **TRUE COPY OF ORDER DATED 16-12-2000 ISSUED BY R1** |
| **EXT.P3** | **TRUE COPY OF ORDER DTD. 13-05-98 ISSUED BY R1** |
| **EXT.P4** | **TRUE COPY OF ORDER DTD. 26-05-93 ISSUED BY R1** |
| **EXT.P5** | **TRUE COPY OF ORDER DTD. 17-08-01 ISSUED BY R1** |
| **EXT.P6** | **TRUE COPY OF NOTIFICATION DTD. 5-12-92 BY R1** |
| **EXT.P7** | **TRUE COPY OF ORDER DTD. 2-12-04 ISSUED BY R2 ALONG WITH LIST OF REGULARISED HIGHER SECONDARY SCHOOL TEACHERS.** |

**/True Copy/**

**PA to Judge.**

**K.M.JOSEPH, J.**

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**W.P.(C).NOs. 8105, 17246,**
**18557 & 34900 of 2005**

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Dated this the 31st day of January, 2007

**JUDGMENT**

The issue involved in these case are connected. Hence they are disposed of through this common judgment.

2. Petitioners are all included in the rank list published by the P.S.C. for appointment of Higher Secondary School Teacher ( Malayalam). The dispute however relates to the number of vacancies available. Though affidavits have been filed by the parties, all parties agree that the matter can be disposed of in the light of the counter affidavit of the second respondent dated 24-01-2007 filed as per of the order of this court.

3. In the said counter affidavit, para 4 and 5 reads as follows:

> The second respondent has ascertained the actual number of vacancies presently existing from

the Proforma forwarded by the Principals. From the details it is seen that there are 54 vacancies that could be reported to the Public Service Commission. It may kindly be noted that as on the assessment made on 31-07-2005 142 vacancies has arisen in the post of H.S.S. T. ( Senior) and they were apportioned in strict compliance with the special rules as well as the dictum laid down by this Honourable court in W.A. No.1000/06 and accordingly 100 vacancies were reported to the Public Service Commission for recruitment. But 9 vacancies which are to be filled up from qualified H.S.S.T. Junior and 33 vacancies ear-marked for departmental hands under 25% quota are yet to be filled up. After 31-07-2005 an assessment of vacancies was made as on 31-10-2006 and it was noticed that 148 vacancies had arisen subsequent to 31-07-2005 of that 15 have already been reported to the PSC and they were also filled up. Hence of 148 vacancies 42 vacancies are to be earmarked for accommodating qualified HSST (Junior) and qualified departmental hands under 25% quota as per the assessment made on 31-05-2005.

> Hence the apportionment is to be made of the 148 vacancies after deducting 15 vacancies already occupied by PSC hands and 42 vacancies earmarked for HSST (Junior) and 25% quota who were entitled as per the assessment made on 31-07-2005. Thus finally it is seen that 54 vacancies could be reported for direct recruitment under the 75% quota provided under the special rules. To explain the data mentioned above a chart produced herewith and marked for reference as Ext.R2(c)
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> It is also submitted that the above 54 vacancies have been reported to the PSC on 18-01-2007 and advice and appointment could be made against the above vacancies as per rules.

4. Therefore, in the light of the stand taken by the Government in the counter affidavit that there are 54 vacancies available and it has been reported to the P.S.C. on 18-01-2007, the writ petitions are disposed of directing the Public Service Commission to render advice in regard to the said 54 vacancies in accordance with law as expeditiously as possible and upon advice

being rendered by the P.S.C., the Director of Higher Secondary Education shall proceed to issue orders of appointment to the persons entitled. In the light of the stand taken by the Government in regard to the availability of vacancies to be filled up by appointment towards the 25% quota, it is made clear that it will be open to the Government to proceed to fill up the said vacancies under the 25% quota in accordance with law.

These writ petitions are disposed of as above.

**K.M.JOSEPH**
**JUDGE**

sv.